

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE

Defendants.

STIPULATED MOTION AND ORDER CONTINUING TRIAL DATE AND PRETRIAL MOTIONS CUTOFF

The United States, by and through John J. Lulejian, Assistant United States Attorney, and defendant Christopher J. Neal, by and through his attorney, Anna M. Tolin, hereby stipulate and agree that good cause exists to continue trial in this case from July 24, 2006 to October 30, 2006, and to extend the pretrial motions date cutoff to October 2, 2006.

The parties agree that this continuance is necessary for the reasons explained herein. Defendant has been charged with possession of cocaine with intent to deliver. The case is based on evidence and allegations developed by local law enforcement officers. To date, despite the parties' best efforts, the ability to obtain certain

ANNA M. TOLIN
Attorney at Law
2001 Western Avenue, Suite 200
Seattle, WA 98121
(206) 812-5850

1 information from state agencies has caused delays in the discovery process. Further
2 time is needed by the parties to continue to investigate and research complex legal
3 issues with regard to the admissibility of evidence and multiple sentencing and criminal
4 history issues. The parties also actively have been attempting to negotiate a resolution
5 to this case. These efforts have been complicated by related state and federal cases
6 involving Defendant that will impact any plea agreement entered in this case.

7 Additional time is needed to fully assess these matters before the parties can formalize
8 a plea agreement or adequately prepare for trial in this case.

9 Defendant has been advised of his right to a speedy trial and has agreed to
10 waive this right through October 30, 2006; a signed waiver of speedy trial will be filed
11 with the Court.

12 The parties believe that the ends of justice to be served by granting a
13 continuance of the trial date outweighs the best interests of the public and Defendant in
14 a speedy trial.

15 Respectfully submitted this 7th day of July, 2006.

16 /s/
John Lulejian
Assistant United States Attorney
700 Stewart Street, Suite 5220
Seattle, WA 98101
Telephone: (206) 553-7970
Facsimile: (206) 553-4440
E-mail: john.lulejian@usdoj.gov

20 /s/
Anna M. Tolin, WSBA #22071
Attorney for Christopher Neal
Market Place Two, Suite 200
2001 Western Avenue
Seattle, WA 98121
Telephone: (206) 812-5850
Facsimile:
E-mail: anna@annatolin.com

ORDER

Based upon the foregoing stipulation of the parties, and upon all of the papers and proceedings previously filed herein, the Court makes the following FINDINGS OF FACT:

The parties require additional time to investigate and research complex factual and legal issues in this case;

Discovery is ongoing and the parties are actively engaged in efforts to continue trial preparations and explore possible resolutions to this case;

Despite the parties' due diligence, additional time is needed to ensure effective assistance of counsel;

In view of the parties' agreement to continue the trial date, for the reasons stated above, Defendant's knowing, voluntary, and intelligent waiver of his right to a speedy trial, and the interest of the public in ensuring the accused adequate, effective, and continued representation by counsel presently assigned, this Court finds that the ends of justice served by granting a continuance outweigh the best interest of the public and Defendant in a speedy trial.

Accordingly, the parties' motion for continuance is HEREBY GRANTED. Trial is reset for October 30, 2006. The pre-trial motions cutoff date is continued until October 2, 2006. The time from the filing of the stipulated motion through the new trial date shall be excludable under the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(8)(A), 3161(h)(B)(i), and 3161(h)(B)(ii). SO ORDERED.

DATED this 14th day of July, 2006.



JOHN C. COUGHENOUR
UNITED STATES DISTRICT JUDGE

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2 Presented by:

3 _____
4 /s/

5 John J. Lulejian
6 Assistant United States Attorney

7 _____
8 /s/

9 Anna M. Tolin, WSBA #22071
10 Attorney for Christopher Neal
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